



THE UNITED STATES ATTORNEY'S OFFICE

WESTERN DISTRICT *of* VIRGINIA

[U.S. Attorneys](#) » [Western District of Virginia](#) » [News](#)

Department of Justice

U.S. Attorney's Office

Western District of Virginia

FOR IMMEDIATE RELEASE

Tuesday, May 7, 2019

## **United States Files Civil Action to Collect Debts Owed for Violations of Federal Mine Safety Act**

### **Complaint Names 23 Coal Operators and Seeks Over \$4.8 Million in Unpaid Fines**

Roanoke, VIRGINIA – United States Attorney Thomas T. Cullen and the Assistant Secretary of Labor for the Mine Safety and Health Administration (MSHA) David G. Zatezalo, announced today the filing of a civil action against 23 coal companies operating in Virginia, West Virginia, Tennessee, Alabama, and Kentucky, seeking over \$4.7 million in unpaid penalties for violations of the Federal Mine Safety and Health Act.

"The MSHA plays a critical role in protecting our coal miners and ensuring that mine owners and operators fulfill their legal obligations to provide safe and healthy working conditions," U.S. Attorney Cullen stated today. "As alleged in the complaint, the defendants racked up over 2,000 safety violations over a five-year period and have, to date, refused to comply with their legal obligations to pay the resulting financial penalties. This is unacceptable, and, as indicated by this suit, we will hold them accountable."

"MSHA stands with the Department of Justice in seeking to hold mine operators responsible for the penalties they owe," said Assistant Secretary Zatezalo. "In the Mine Act, Congress was extremely clear on enforcement matters: Federal inspectors issue citations for safety and health violations, which carry a monetary fine. Failure to pay penalties is unfair to miners who deserve safe workplaces, and to mine operators who play by the rules."

According to court documents filed today, between May 3, 2014 and May 3, 2019, MSHA collectively issued at least 2,297 citations to the defendant mine operators for violations of the Mine Health and Safety Act, and at the appropriate time, assessed civil penalties for each violation, pursuant to the law.

The defendants failed to pay the penalties or even notify MSHA that it contested the assessed civil penalties. When defendants failed to pay the civil penalties for 100 days despite two demand letters, MSHA referred the civil penalties to the Department of Treasury for collection. The Department of Treasury made another written demand on the defendants, but they still failed to pay, and the Department of Treasury referred the civil penalties to the Department of Justice for collection. On September 5, 2018, the United States Attorney's Office for the Western District of Virginia made a written demand on the defendants for the delinquent debts. The defendants, however, still failed to pay the outstanding debts and, as of the date of this filing, continue not to pay both the old and newly assessed penalties.

In the complaint, the United States is seeking judgment against the 23 defendants for \$3,954,984.37, the total principal amount of unpaid civil penalties owed. An additional \$821,386.03 in administrative costs and interest is being sought.

The 23 defendants are: Southern Coal Corporation; Justice Coal of Alabama; A&G Coal Corporation; Black River Coal; Chestnut Land Holdings; Double Bonus Coal Company; Dynamic Energy; Four Star Resources; Frontier Coal Company; Infinity Energy; Justice Energy Company; Justice Highwall Mining; Kentucky Fuel Corporation; Keystone Service Industries; M&P Services; Nine Mile Mining; Nufac Mining Company; Pay Car Mining; Premium Coal Company; S and H Mining; Sequoia Energy; Tams Management; and Virginia Fuel Corporation.

According to court documents, each of the defendant companies operated at least one mine with delinquent, uncontested MSHA penalties.

Assistant United States Attorney Krista Consiglio Frith and Special Assistant United States Attorney Jason Grover, an attorney with the Department of Labor, are representing the United States in these matters.

---

**Topic(s):**

Labor & Employment

**Component(s):**

USAO - Virginia, Western

Updated May 7, 2019